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BILL ANALYSIS

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Senate Bill 1289 (as discharged)
Sponsor: Senator Bev Hammerstrom
Committee: Health Policy

Date Completed: 7-24-06

RATIONALE

Under the Mental Health Code, upon electing to create a community mental health services program (CMHSP), a county must establish a 12-member CMHSP board. The board members are appointed by a majority vote of the county board of commissioners, and must be representatives of that county. Section 216 of the Code, however, contains an exception to this provision for the board governing the CMHSP that serves Wayne County and the City of Detroit (the Detroit-Wayne County Community Mental Health Agency). Like the boards in other counties, the Detroit-Wayne County CMH Agency board consists of 12 members. Six of the members, however, must be Detroit residents appointed by the city's chief executive officer, and the other six must be Wayne County residents, not from Detroit, appointed by the county's chief executive officer with the advice and consent of the county board of commissioners. Some people have expressed concern that the even division between city and county representatives has resulted in tie votes, delaying action and interfering with the delivery of services to the area's mentally ill and developmentally disabled population. It has been suggested that the Detroit-Wayne County CMH Agency board should be subject to the appointment process that applies to CMHSP boards in other counties.

CONTENT

The bill would repeal Section 216 of the Mental Health Code.

MCL 330.1216

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A deadlock by the Detroit-Wayne County CMH Agency board could result in delays in the delivery of critical services. Although there is some disagreement about the extent to which tie votes by the board have affected the county's mentally ill and developmentally disabled, the potential for stalemates should be addressed. The board's unique appointment mechanism should be eliminated and the board members subject to the same appointment process as that which applies to boards in other counties. Requiring all board members to be representatives of the county would reduce the likelihood that the board would be divided evenly between parties whose interests sometimes might be at odds.

Opposing Argument

It is questionable whether the composition of the Detroit-Wayne CMH Agency board is to blame for inefficiencies in the system. Evidently, although votes tend to be closer when there is tension within the Agency, actual tie votes are rare. The Agency's organizational structure appears to be a more significant concern than the board's even split between county and city representatives.

Under the Mental Health Code, a CMHSP may be organized in three ways--as an agency of county government, as an organization under the Urban Cooperation Act, or as a community mental health (CMH) authority. The Code states that a county

CMH agency is an official county agency. A CMH organization or authority, on the other hand, is a public governmental entity separate from the county or counties that establish it.

Problems related to service delivery stem not from the composition of the board, but from the fact that the Detroit-Wayne County CMHSP is organized as an agency of Wayne County. Thus, funding for the program goes through the county first. The problems resulting from reported financial mismanagement and political infighting could be largely mitigated and greater transparency and accountability would be established if the agency were converted to a CMH authority, independent of the county's control.

Legislative Analyst: Julie Koval

FISCAL IMPACT

By itself, the bill would have no direct fiscal impact, as it only would repeal legislation dictating the makeup of the Detroit-Wayne County CMHSP board.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.